

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

Heaven White, *et al.*

\*

Civil Action No. CCB-19-1442

v.

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The City of Annapolis by and through  
the City Council, *et al.*

**ORDER**

For the reasons stated in the accompanying Memorandum, it is hereby **ORDERED** that:

1. The city defendants' motion to dismiss the amended complaint or, in the alternative, for summary judgment (ECF No. 17), and the HACA defendants' partial motion to dismiss or, in the alternative, for summary judgment (ECF No. 18), both treated as motions to dismiss, are **GRANTED** in part and **DENIED** in part;
2. All claims against Gavin Buckley and Beverly Wilbourn in both their individual and official capacities are **DISMISSED**;
3. Count 5 (42 U.S.C. § 3608) is **DISMISSED**;
4. Count 8 (Americans with Disabilities Act) and Count 9 (Rehabilitation Act) are **DISMISSED** as to plaintiff Tiamani Johns, individually and on behalf of her one minor child;
5. Count 10 (writ of mandamus) is **DISMISSED**;
6. Count 11 (Maryland Consumer Protection Act), Count 15 (negligence), Count 16 (gross negligence), and Count 17 (tort - civil conspiracy) are **DISMISSED** as against the City, and, except for the claims by Nashell Smith and Nicole Clark, individually and on behalf of their minor children, are **DISMISSED** as against HACA;
7. the plaintiffs' request for punitive damages is **DISMISSED**;
8. the plaintiffs' request for leave to file an amended complaint, to the extent they have so requested in their briefing and at oral argument, is **DENIED**;
9. counsel will be contacted to schedule further proceedings; and
10. the Clerk shall **SEND** copies of this Order and the accompanying Memorandum to counsel of record.

2/3/20

Date

CCB

Catherine C. Blake  
United States District Judge